

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 241

Senator LaRose

Cosponsors: Senators Burke, Gardner, Uecker, Tavares, Yuko

A BILL

To amend section 3302.03 and to enact section 1
3319.078 of the Revised Code with regard to the 2
employment of specified education professionals 3
by city, exempted village, and local school 4
districts. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3302.03 be amended and section 6
3319.078 of the Revised Code be enacted to read as follows: 7

Sec. 3302.03. Annually, not later than the fifteenth day 8
of September or the preceding Friday when that day falls on a 9
Saturday or Sunday, the department of education shall assign a 10
letter grade for overall academic performance and for each 11
separate performance measure for each school district, and each 12
school building in a district, in accordance with this section. 13
The state board shall adopt rules pursuant to Chapter 119. of 14
the Revised Code to establish performance criteria for each 15
letter grade and prescribe a method by which the department 16
assigns each letter grade. For a school building to which any of 17
the performance measures do not apply, due to grade levels 18

served by the building, the state board shall designate the 19
performance measures that are applicable to the building and 20
that must be calculated separately and used to calculate the 21
building's overall grade. The department shall issue annual 22
report cards reflecting the performance of each school district, 23
each building within each district, and for the state as a whole 24
using the performance measures and letter grade system described 25
in this section. The department shall include on the report card 26
for each district and each building within each district the 27
most recent two-year trend data in student achievement for each 28
subject and each grade. 29

(A) (1) For the 2012-2013 school year, the department shall 30
issue grades as described in division (E) of this section for 31
each of the following performance measures: 32

(a) Annual measurable objectives; 33

(b) Performance index score for a school district or 34
building. Grades shall be awarded as a percentage of the total 35
possible points on the performance index system as adopted by 36
the state board. In adopting benchmarks for assigning letter 37
grades under division (A) (1) (b) of this section, the state board 38
of education shall designate ninety per cent or higher for an 39
"A," at least seventy per cent but not more than eighty per cent 40
for a "C," and less than fifty per cent for an "F." 41

(c) The extent to which the school district or building 42
meets each of the applicable performance indicators established 43
by the state board under section 3302.02 of the Revised Code and 44
the percentage of applicable performance indicators that have 45
been achieved. In adopting benchmarks for assigning letter 46
grades under division (A) (1) (c) of this section, the state board 47
shall designate ninety per cent or higher for an "A." 48

(d) The four- and five-year adjusted cohort graduation rates. 49
50

In adopting benchmarks for assigning letter grades under division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A." 51
52
53
54
55
56

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows: 57
58
59
60
61

(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A." 62
63

(ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B." 64
65
66

(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C." 67
68
69
70

(iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D." 71
72
73
74

(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F." 75
76

Whenever the value-added progress dimension is used as a 77
graded performance measure, whether as an overall measure or as 78
a measure of separate subgroups, the grades for the measure 79
shall be calculated in the same manner as prescribed in division 80
(A) (1) (e) of this section. 81

(f) The value-added progress dimension score for a school 82
district or building disaggregated for each of the following 83
subgroups: students identified as gifted, students with 84
disabilities, and students whose performance places them in the 85
lowest quintile for achievement on a statewide basis. Each 86
subgroup shall be a separate graded measure. 87

(2) Not later than April 30, 2013, the state board of 88
education shall adopt a resolution describing the performance 89
measures, benchmarks, and grading system for the 2012-2013 90
school year and, not later than June 30, 2013, shall adopt rules 91
in accordance with Chapter 119. of the Revised Code that 92
prescribe the methods by which the performance measures under 93
division (A) (1) of this section shall be assessed and assigned a 94
letter grade, including performance benchmarks for each letter 95
grade. 96

At least forty-five days prior to the state board's 97
adoption of rules to prescribe the methods by which the 98
performance measures under division (A) (1) of this section shall 99
be assessed and assigned a letter grade, the department shall 100
conduct a public presentation before the standing committees of 101
the house of representatives and the senate that consider 102
education legislation describing such methods, including 103
performance benchmarks. 104

(3) There shall not be an overall letter grade for a 105
school district or building for the 2012-2013 school year. 106

| | |
|--|-----|
| (B) (1) For the 2013-2014 and 2014-2015 school years, the | 107 |
| department shall issue grades as described in division (E) of | 108 |
| this section for each of the following performance measures: | 109 |
| (a) Annual measurable objectives; | 110 |
| (b) Performance index score for a school district or | 111 |
| building. Grades shall be awarded as a percentage of the total | 112 |
| possible points on the performance index system as created by | 113 |
| the department. In adopting benchmarks for assigning letter | 114 |
| grades under division (B) (1) (b) of this section, the state board | 115 |
| shall designate ninety per cent or higher for an "A," at least | 116 |
| seventy per cent but not more than eighty per cent for a "C," | 117 |
| and less than fifty per cent for an "F." | 118 |
| (c) The extent to which the school district or building | 119 |
| meets each of the applicable performance indicators established | 120 |
| by the state board under section 3302.03 of the Revised Code and | 121 |
| the percentage of applicable performance indicators that have | 122 |
| been achieved. In adopting benchmarks for assigning letter | 123 |
| grades under division (B) (1) (c) of this section, the state board | 124 |
| shall designate ninety per cent or higher for an "A." | 125 |
| (d) The four- and five-year adjusted cohort graduation | 126 |
| rates; | 127 |
| (e) The overall score under the value-added progress | 128 |
| dimension of a school district or building, for which the | 129 |
| department shall use up to three years of value-added data as | 130 |
| available. | 131 |
| (f) The value-added progress dimension score for a school | 132 |
| district or building disaggregated for each of the following | 133 |
| subgroups: students identified as gifted in superior cognitive | 134 |
| ability and specific academic ability fields under Chapter 3324. | 135 |

of the Revised Code, students with disabilities, and students 136
whose performance places them in the lowest quintile for 137
achievement on a statewide basis. Each subgroup shall be a 138
separate graded measure. 139

(g) Whether a school district or building is making 140
progress in improving literacy in grades kindergarten through 141
three, as determined using a method prescribed by the state 142
board. The state board shall adopt rules to prescribe benchmarks 143
and standards for assigning grades to districts and buildings 144
for purposes of division (B) (1) (g) of this section. In adopting 145
benchmarks for assigning letter grades under divisions (B) (1) (g) 146
and (C) (1) (g) of this section, the state board shall determine 147
progress made based on the reduction in the total percentage of 148
students scoring below grade level, or below proficient, 149
compared from year to year on the reading and writing diagnostic 150
assessments administered under section 3301.0715 of the Revised 151
Code and the third grade English language arts assessment under 152
section 3301.0710 of the Revised Code, as applicable. The state 153
board shall designate for a "C" grade a value that is not lower 154
than the statewide average value for this measure. No grade 155
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 156
section for a district or building in which less than five per 157
cent of students have scored below grade level on the diagnostic 158
assessment administered to students in kindergarten under 159
division (B) (1) of section 3313.608 of the Revised Code. 160

(h) For a high mobility school district or building, an 161
additional value-added progress dimension score. For this 162
measure, the department shall use value-added data from the most 163
recent school year available and shall use assessment scores for 164
only those students to whom the district or building has 165
administered the assessments prescribed by section 3301.0710 of 166

the Revised Code for each of the two most recent consecutive 167
school years. 168

As used in this division, "high mobility school district 169
or building" means a school district or building where at least 170
twenty-five per cent of its total enrollment is made up of 171
students who have attended that school district or building for 172
less than one year. 173

(2) In addition to the graded measures in division (B) (1) 174
of this section, the department shall include on a school 175
district's or building's report card all of the following 176
without an assigned letter grade: 177

(a) The percentage of students enrolled in a district or 178
building participating in advanced placement classes and the 179
percentage of those students who received a score of three or 180
better on advanced placement examinations; 181

(b) The number of a district's or building's students who 182
have earned at least three college credits through dual 183
enrollment or advanced standing programs, such as the post- 184
secondary enrollment options program under Chapter 3365. of the 185
Revised Code and state-approved career-technical courses offered 186
through dual enrollment or statewide articulation, that appear 187
on a student's transcript or other official document, either of 188
which is issued by the institution of higher education from 189
which the student earned the college credit. The credits earned 190
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 191
this section shall not include any that are remedial or 192
developmental and shall include those that count toward the 193
curriculum requirements established for completion of a degree. 194

(c) The percentage of students enrolled in a district or 195

building who have taken a national standardized test used for 196
college admission determinations and the percentage of those 197
students who are determined to be remediation-free in accordance 198
with standards adopted under division (F) of section 3345.061 of 199
the Revised Code; 200

(d) The percentage of the district's or the building's 201
students who receive industry-recognized credentials. The state 202
board shall adopt criteria for acceptable industry-recognized 203
credentials. 204

(e) The percentage of students enrolled in a district or 205
building who are participating in an international baccalaureate 206
program and the percentage of those students who receive a score 207
of four or better on the international baccalaureate 208
examinations. 209

(f) The percentage of the district's or building's 210
students who receive an honors diploma under division (B) of 211
section 3313.61 of the Revised Code. 212

(3) Not later than December 31, 2013, the state board 213
shall adopt rules in accordance with Chapter 119. of the Revised 214
Code that prescribe the methods by which the performance 215
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 216
will be assessed and assigned a letter grade, including 217
performance benchmarks for each grade. 218

At least forty-five days prior to the state board's 219
adoption of rules to prescribe the methods by which the 220
performance measures under division (B) (1) of this section shall 221
be assessed and assigned a letter grade, the department shall 222
conduct a public presentation before the standing committees of 223
the house of representatives and the senate that consider 224

| | |
|--|-----|
| education legislation describing such methods, including | 225 |
| performance benchmarks. | 226 |
| (4) There shall not be an overall letter grade for a | 227 |
| school district or building for the 2013-2014, 2014-2015, 2015- | 228 |
| 2016, and 2016-2017 school years. | 229 |
| (C) (1) For the 2014-2015 school year and each school year | 230 |
| thereafter, the department shall issue grades as described in | 231 |
| division (E) of this section for each of the performance | 232 |
| measures prescribed in division (C) (1) of this section. The | 233 |
| graded measures are as follows: | 234 |
| (a) Annual measurable objectives; | 235 |
| (b) Performance index score for a school district or | 236 |
| building. Grades shall be awarded as a percentage of the total | 237 |
| possible points on the performance index system as created by | 238 |
| the department. In adopting benchmarks for assigning letter | 239 |
| grades under division (C) (1) (b) of this section, the state board | 240 |
| shall designate ninety per cent or higher for an "A," at least | 241 |
| seventy per cent but not more than eighty per cent for a "C," | 242 |
| and less than fifty per cent for an "F." | 243 |
| (c) The extent to which the school district or building | 244 |
| meets each of the applicable performance indicators established | 245 |
| by the state board under section 3302.03 of the Revised Code and | 246 |
| the percentage of applicable performance indicators that have | 247 |
| been achieved. In adopting benchmarks for assigning letter | 248 |
| grades under division (C) (1) (c) of this section, the state board | 249 |
| shall designate ninety per cent or higher for an "A." | 250 |
| (d) The four- and five-year adjusted cohort graduation | 251 |
| rates; | 252 |
| (e) The overall score under the value-added progress | 253 |

dimension, or another measure of student academic progress if 254
adopted by the state board, of a school district or building, 255
for which the department shall use up to three years of value- 256
added data as available. 257

In adopting benchmarks for assigning letter grades for 258
overall score on value-added progress dimension under division 259
(C) (1) (e) of this section, the state board shall prohibit the 260
assigning of a grade of "A" for that measure unless the 261
district's or building's grade assigned for value-added progress 262
dimension for all subgroups under division (C) (1) (f) of this 263
section is a "B" or higher. 264

For the metric prescribed by division (C) (1) (e) of this 265
section, the state board may adopt a student academic progress 266
measure to be used instead of the value-added progress 267
dimension. If the state board adopts such a measure, it also 268
shall prescribe a method for assigning letter grades for the new 269
measure that is comparable to the method prescribed in division 270
(A) (1) (e) of this section. 271

(f) The value-added progress dimension score of a school 272
district or building disaggregated for each of the following 273
subgroups: students identified as gifted in superior cognitive 274
ability and specific academic ability fields under Chapter 3324. 275
of the Revised Code, students with disabilities, and students 276
whose performance places them in the lowest quintile for 277
achievement on a statewide basis, as determined by a method 278
prescribed by the state board. Each subgroup shall be a separate 279
graded measure. 280

The state board may adopt student academic progress 281
measures to be used instead of the value-added progress 282
dimension. If the state board adopts such measures, it also 283

shall prescribe a method for assigning letter grades for the new 284
measures that is comparable to the method prescribed in division 285
(A) (1) (e) of this section. 286

(g) Whether a school district or building is making 287
progress in improving literacy in grades kindergarten through 288
three, as determined using a method prescribed by the state 289
board. The state board shall adopt rules to prescribe benchmarks 290
and standards for assigning grades to a district or building for 291
purposes of division (C) (1) (g) of this section. The state board 292
shall designate for a "C" grade a value that is not lower than 293
the statewide average value for this measure. No grade shall be 294
issued under division (C) (1) (g) of this section for a district 295
or building in which less than five per cent of students have 296
scored below grade level on the kindergarten diagnostic 297
assessment under division (B) (1) of section 3313.608 of the 298
Revised Code. 299

(h) For a high mobility school district or building, an 300
additional value-added progress dimension score. For this 301
measure, the department shall use value-added data from the most 302
recent school year available and shall use assessment scores for 303
only those students to whom the district or building has 304
administered the assessments prescribed by section 3301.0710 of 305
the Revised Code for each of the two most recent consecutive 306
school years. 307

As used in this division, "high mobility school district 308
or building" means a school district or building where at least 309
twenty-five per cent of its total enrollment is made up of 310
students who have attended that school district or building for 311
less than one year. 312

(2) In addition to the graded measures in division (C) (1) 313

of this section, the department shall include on a school 314
district's or building's report card all of the following 315
without an assigned letter grade: 316

(a) The percentage of students enrolled in a district or 317
building who have taken a national standardized test used for 318
college admission determinations and the percentage of those 319
students who are determined to be remediation-free in accordance 320
with the standards adopted under division (F) of section 321
3345.061 of the Revised Code; 322

(b) The percentage of students enrolled in a district or 323
building participating in advanced placement classes and the 324
percentage of those students who received a score of three or 325
better on advanced placement examinations; 326

(c) The percentage of a district's or building's students 327
who have earned at least three college credits through advanced 328
standing programs, such as the college credit plus program under 329
Chapter 3365. of the Revised Code and state-approved career- 330
technical courses offered through dual enrollment or statewide 331
articulation, that appear on a student's college transcript 332
issued by the institution of higher education from which the 333
student earned the college credit. The credits earned that are 334
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 335
shall not include any that are remedial or developmental and 336
shall include those that count toward the curriculum 337
requirements established for completion of a degree. 338

(d) The percentage of the district's or building's 339
students who receive an honor's diploma under division (B) of 340
section 3313.61 of the Revised Code; 341

(e) The percentage of the district's or building's 342

| | |
|--|--|
| students who receive industry-recognized credentials; | 343 |
| (f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations; | 344 345 346 347 348 |
| (g) The results of the college and career-ready assessments administered under division (B) (1) of section 3301.0712 of the Revised Code. | 349 350 351 |
| (3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C) (1) and (2) of this section into the following components: | 352 353 354 355 356 357 |
| (a) Gap closing, which shall include the performance measure in division (C) (1) (a) of this section; | 358 359 |
| (b) Achievement, which shall include the performance measures in divisions (C) (1) (b) and (c) of this section; | 360 361 |
| (c) Progress, which shall include the performance measures in divisions (C) (1) (e) and (f) of this section; | 362 363 |
| (d) Graduation, which shall include the performance measure in division (C) (1) (d) of this section; | 364 365 |
| (e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C) (1) (g) of this section; | 366 367 368 |
| (f) Prepared for success, which shall include the performance measures in divisions (C) (2) (a), (b), (c), (d), (e), | 369 370 |

and (f) of this section. The state board shall develop a method 371
to determine a grade for the component in division (C) (3) (f) of 372
this section using the performance measures in divisions (C) (2) 373
(a), (b), (c), (d), (e), and (f) of this section. When 374
available, the state board may incorporate the performance 375
measure under division (C) (2) (g) of this section into the 376
component under division (C) (3) (f) of this section. When 377
determining the overall grade for the prepared for success 378
component prescribed by division (C) (3) (f) of this section, no 379
individual student shall be counted in more than one performance 380
measure. However, if a student qualifies for more than one 381
performance measure in the component, the state board may, in 382
its method to determine a grade for the component, specify an 383
additional weight for such a student that is not greater than or 384
equal to 1.0. In determining the overall score under division 385
(C) (3) (f) of this section, the state board shall ensure that the 386
pool of students included in the performance measures aggregated 387
under that division are all of the students included in the 388
four- and five-year adjusted graduation cohort. 389

In the rules adopted under division (C) (3) of this 390
section, the state board shall adopt a method for determining a 391
grade for each component in divisions (C) (3) (a) to (f) of this 392
section. The state board also shall establish a method to assign 393
an overall grade of "A," "B," "C," "D," or "F" using the grades 394
assigned for each component. The method the state board adopts 395
for assigning an overall grade shall give equal weight to the 396
components in divisions (C) (3) (b) and (c) of this section. 397

At least forty-five days prior to the state board's 398
adoption of rules to prescribe the methods for calculating the 399
overall grade for the report card, as required by this division, 400
the department shall conduct a public presentation before the 401

standing committees of the house of representatives and the 402
senate that consider education legislation describing the format 403
for the report card, weights that will be assigned to the 404
components of the overall grade, and the method for calculating 405
the overall grade. 406

(D) On or after ~~than~~ July 1, 2015, the state board may 407
develop a measure of student academic progress for high school 408
students using only data from assessments in English language 409
arts and mathematics. If the state board develops this measure, 410
each school district and applicable school building shall be 411
assigned a separate letter grade for ~~if~~it not sooner than the 412
2017-2018 school year. The district's or building's grade for 413
that measure shall not be included in determining the district's 414
or building's overall letter grade. 415

(E) The letter grades assigned to a school district or 416
building under this section shall be as follows: 417

(1) "A" for a district or school making excellent 418
progress; 419

(2) "B" for a district or school making above average 420
progress; 421

(3) "C" for a district or school making average progress; 422

(4) "D" for a district or school making below average 423
progress; 424

(5) "F" for a district or school failing to meet minimum 425
progress. 426

(F) When reporting data on student achievement and 427
progress, the department shall disaggregate that data according 428
to the following categories: 429

| | |
|--|--|
| (1) Performance of students by grade-level; | 430 |
| (2) Performance of students by race and ethnic group; | 431 |
| (3) Performance of students by gender; | 432 |
| (4) Performance of students grouped by those who have been enrolled in a district or school for three or more years; | 433 434 |
| (5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years; | 435 436 437 |
| (6) Performance of students grouped by those who have been enrolled in a district or school for one year or less; | 438 439 |
| (7) Performance of students grouped by those who are economically disadvantaged; | 440 441 |
| (8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code; | 442 443 444 |
| (9) Performance of students grouped by those who are classified as limited English proficient; | 445 446 |
| (10) Performance of students grouped by those who have disabilities; | 447 448 |
| (11) Performance of students grouped by those who are classified as migrants; | 449 450 |
| (12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability | 451 452 453 454 455 456 |

in math and reading. If any other academic field is assessed, 457
the department shall also include data for students with 458
specific academic ability in that field as well. 459

(13) Performance of students grouped by those who perform 460
in the lowest quintile for achievement on a statewide basis, as 461
determined by a method prescribed by the state board. 462

The department may disaggregate data on student 463
performance according to other categories that the department 464
determines are appropriate. To the extent possible, the 465
department shall disaggregate data on student performance 466
according to any combinations of two or more of the categories 467
listed in divisions (F) (1) to (13) of this section that it deems 468
relevant. 469

In reporting data pursuant to division (F) of this 470
section, the department shall not include in the report cards 471
any data statistical in nature that is statistically unreliable 472
or that could result in the identification of individual 473
students. For this purpose, the department shall not report 474
student performance data for any group identified in division 475
(F) of this section that contains less than ten students. If the 476
department does not report student performance data for a group 477
because it contains less than ten students, the department shall 478
indicate on the report card that is why data was not reported. 479

(G) The department may include with the report cards any 480
additional education and fiscal performance data it deems 481
valuable. 482

(H) The department shall include on each report card a 483
list of additional information collected by the department that 484
is available regarding the district or building for which the 485

report card is issued. When available, such additional 486
information shall include student mobility data disaggregated by 487
race and socioeconomic status, college enrollment data, and the 488
reports prepared under section 3302.031 of the Revised Code. 489

The department shall maintain a site on the world wide 490
web. The report card shall include the address of the site and 491
shall specify that such additional information is available to 492
the public at that site. The department shall also provide a 493
copy of each item on the list to the superintendent of each 494
school district. The district superintendent shall provide a 495
copy of any item on the list to anyone who requests it. 496

(I) Division (I) of this section does not apply to 497
conversion community schools that primarily enroll students 498
between sixteen and twenty-two years of age who dropped out of 499
high school or are at risk of dropping out of high school due to 500
poor attendance, disciplinary problems, or suspensions. 501

(1) For any district that sponsors a conversion community 502
school under Chapter 3314. of the Revised Code, the department 503
shall combine data regarding the academic performance of 504
students enrolled in the community school with comparable data 505
from the schools of the district for the purpose of determining 506
the performance of the district as a whole on the report card 507
issued for the district under this section or section 3302.033 508
of the Revised Code. 509

(2) Any district that leases a building to a community 510
school located in the district or that enters into an agreement 511
with a community school located in the district whereby the 512
district and the school endorse each other's programs may elect 513
to have data regarding the academic performance of students 514
enrolled in the community school combined with comparable data 515

from the schools of the district for the purpose of determining 516
the performance of the district as a whole on the district 517
report card. Any district that so elects shall annually file a 518
copy of the lease or agreement with the department. 519

(3) Any municipal school district, as defined in section 520
3311.71 of the Revised Code, that sponsors a community school 521
located within the district's territory, or that enters into an 522
agreement with a community school located within the district's 523
territory whereby the district and the community school endorse 524
each other's programs, may exercise either or both of the 525
following elections: 526

(a) To have data regarding the academic performance of 527
students enrolled in that community school combined with 528
comparable data from the schools of the district for the purpose 529
of determining the performance of the district as a whole on the 530
district's report card; 531

(b) To have the number of students attending that 532
community school noted separately on the district's report card. 533

The election authorized under division (I) (3) (a) of this 534
section is subject to approval by the governing authority of the 535
community school. 536

Any municipal school district that exercises an election 537
to combine or include data under division (I) (3) of this 538
section, by the first day of October of each year, shall file 539
with the department documentation indicating eligibility for 540
that election, as required by the department. 541

(J) The department shall include on each report card the 542
percentage of teachers in the district or building who are 543
highly qualified, as defined by the No Child Left Behind Act of 544

2001, and a comparison of that percentage with the percentages 545
of such teachers in similar districts and buildings. 546

(K) (1) In calculating English language arts, mathematics, 547
social studies, or science assessment passage rates used to 548
determine school district or building performance under this 549
section, the department shall include all students taking an 550
assessment with accommodation or to whom an alternate assessment 551
is administered pursuant to division (C) (1) or (3) of section 552
3301.0711 of the Revised Code. 553

(2) In calculating performance index scores, rates of 554
achievement on the performance indicators established by the 555
state board under section 3302.02 of the Revised Code, and 556
annual measurable objectives for determining adequate yearly 557
progress for school districts and buildings under this section, 558
the department shall do all of the following: 559

(a) Include for each district or building only those 560
students who are included in the ADM certified for the first 561
full school week of October and are continuously enrolled in the 562
district or building through the time of the spring 563
administration of any assessment prescribed by division (A) (1) 564
or (B) (1) of section 3301.0710 or division (B) of section 565
3301.0712 of the Revised Code that is administered to the 566
student's grade level; 567

(b) Include cumulative totals from both the fall and 568
spring administrations of the third grade English language arts 569
achievement assessment; 570

(c) Except as required by the No Child Left Behind Act of 571
2001, exclude for each district or building any limited English 572
proficient student who has been enrolled in United States 573

schools for less than one full school year. 574

(L) Beginning with the 2015-2016 school year and at least 575
once every three years thereafter, the state board of education 576
shall review and may adjust the benchmarks for assigning letter 577
grades to the performance measures and components prescribed 578
under divisions (C) (3) and (D) of this section. 579

(M) (1) Beginning with the report cards issued for the 580
2015-2016 school year, for each school district that is subject 581
to section 3319.078 of the Revised Code, the department shall 582
include on the district's report card the number of persons 583
employed, for each one thousand students, in each position under 584
division (B) of section 3319.078 of the Revised Code. If a 585
district has fewer than one thousand students, the department 586
shall include on that district's report card the total number of 587
persons employed in each position under that division. 588

(2) Beginning with the report cards issued for the 2015- 589
2016 school year, the state board shall establish a system to 590
recognize, on the district's report card, each district that 591
employs at least five persons, for each one thousand students, 592
under division (B) of section 3319.078 of the Revised Code. In 593
order to qualify for such recognition, the persons employed 594
shall be assigned to at least five of the seven positions listed 595
under that division. If a district has fewer than one thousand 596
students, in order to qualify for such recognition, the district 597
shall employ at least five persons under that division and the 598
persons employed shall be assigned to at least five of the seven 599
positions listed under that division. 600

Sec. 3319.078. (A) Notwithstanding anything to the 601
contrary in the Revised Code or in rules of the state board of 602
education, each city, exempted village, and local school 603

district shall provide students in grades kindergarten through 604
twelve with an education that includes fine arts, music, and 605
physical education and the comprehensive services of counselors, 606
librarians or library media specialists, school nurses, and 607
school social workers. 608

(B) In order to provide such education and services, the 609
school district may employ education professionals in the 610
following positions: 611

(1) Counselor; 612

(2) Librarian or library media specialist; 613

(3) School nurse; 614

(4) School social worker; 615

(5) Teacher of fine arts; 616

(6) Music teacher; 617

(7) Physical education teacher. 618

(C) Each person employed under division (B) of this 619
section to the position of fine arts, music, or physical 620
education teacher shall hold a license issued by the state board 621
in the appropriate subject area and grade level in which that 622
person is teaching. Each person assigned to any other position 623
under that division shall hold the appropriate content area or 624
specialty certification or license required by the state board 625
for that position. 626

Section 2. That existing section 3302.03 of the Revised 627
Code is hereby repealed. 628